

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO.1670 OF 2006

Ramesh Shankar Nagool & Ors. ...Petitioners

vs.

State of Maharashtra ...Respondent

Mr.Anilkumar Patil for the Petitioners
Mr.S.R.Shinde A.P.P. for State

CORAM: A.S.OKA, J.
DATE : NOVEMBER 24, 2006.

P.C.:

1. Heard learned Advocate for the Petitioners and the learned A.P.P. for State. The Petitioners are facing prosecution under sections 381, 420, 406, 468 read with section 34 of the Indian Penal Code and sections 3 and 7 of the Essential Commodities Act. The Application for discharge made by the Petitioners has been rejected by the learned Magistrate and the said order has been confirmed in a Revision Application.

2. I have extensively heard the submissions of Mr.Anilkumar Patil in support of the Petition. It is submitted that the Petitioners themselves filed a complaint against their servant regarding loss of cylinders. He submitted that there is absolutely no material on record to proceed against the Petitioners. The learned A.P.P. supported the impugned Judgments and Order.

3. The Investigating Officer has recorded the statements of at least 10 witnesses from whom cylinders and other equipments have been seized under the panchnama. The investigation reveals that illegal gas connections were granted to the said witnesses for consideration. Considering the material on record, the courts below have come to the conclusion that there is a prima facie case to proceed against the Petitioners. I find no error in the view taken by the courts below. No interference is called for. Petition is rejected.

4. It is made clear that the observations which are made in the orders impugned as well as in this order are for a limited purpose of considering the prayer for discharge. All contentions of the Petitioners in the pending trial are expressly kept open.

JUDGE